City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3008933

Applicant Name: Kate Suski, WRP Associates

Address of Proposal: 802 Thomas Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 7-story building with 70 residential units, 2,000 sf. of ground level retail and below grade parking for approximately 65 vehicles.

The following Master Use Permit components are required:

Design Review – Seattle Municipal Code Section 23.41 with Development Standard Departure:

1. Transparency (SMC 23.47A.008.)
2. Sight Triangle (SMC 23.54.030)

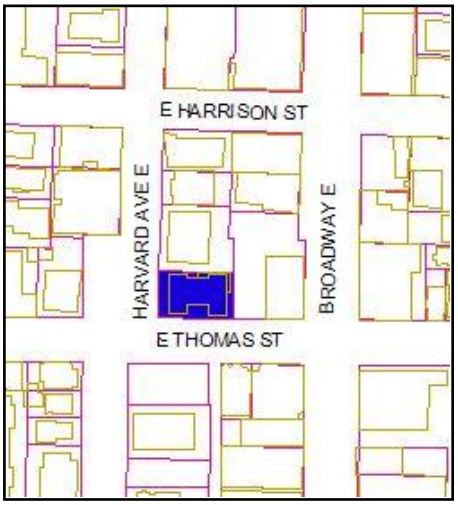
SEPA Environmental Review - Seattle Municipal Code Section 25.05

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions

[ ] DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

SITE AND VICINITY



The 8,000 sq. ft. subject site, zoned Neighborhood Commercial 3 with a 40/65-foot height limit (NC3-40/65'), is located on the northeast corner of the intersection of East Thomas Street and Harvard Avenue. Across the street to the south and west, the zone changes to Midrise with a Residential Commercial overlay. Across the street to the south and west, the zone changes to Midrise with a Residential Commercial overlay (MR). The site is located on a corner lot one block west of Broadway's commercial corridor. The site is currently occupied by an existing 11-story building. Many of the surrounding properties are zoned NC3/R-40 with a 65' height limit for housing over 40'. Adjacent uses consist of large multifamily residential buildings and a few single family houses to the north, west and south.

PROJECT DESCRIPTION

The proposal includes demolition of the existing buildings and the construction of a new seven-story building. The new structure would include approximately 70 residential units, 2,000 square feet of ground level retail uses and below grade parking for approximately 65 vehicles. Access to the site is proposed from Harvard Street.

PUBLIC COMMENTS

Approximately four members of the public attended the Early Design Guidance meeting held on January 6, 2010. The following comments were offered:

- Prefer massing that uses angles other than 90-degrees in the building form.
- Location of the development should result in less parking demand, therefore less parking should be provided.
- The provision of parking results in increased traffic in a neighborhood where light rail will be built. Instead the focus should be on the location of the site at the shift in the street grid and responding to this unusual condition.
- Support proposed driveway location and provision of parking.
- The design of the building should relate to the history of the streetcar and Capitol Hill.
- The residential entry location along Harvard relates to the neighborhood better.

The applicant applied for a Master Use Permit on November 11, 2010. Notice of Application was published on December 30, 2010 and a 14-day comment period ended on January 12, 2011. Two comments were received by DPD during this period requesting to be listed as a Party of Record.

Approximately four members of the public attended this Final Recommendation meeting held on June 15, 2011. The following comments, issues and concerns were raised:

- Suggested shifting the walkway away from the garage entrance to create more space before the driveway for low-level landscaping.

- Appreciative of the retail frontage and scale shown. Noted that landscaping along the base could be included against the shear wall. Supportive of the sight triangle departure because they tend to emphasize the presence of the driveway.
- Questioned where the loading and unloading for building functions will occur.

ANALYSIS - DESIGN REVIEW

Design Guidance

Three schemes were presented at the Early Design Guidance meeting. All of the options include below grade parking accessed from Harvard Avenue East. The first scheme (Option 1) proposes a rectangular-shaped building that maximizes the site and includes a notch at the northeast corner for an open space at the second floor. The structure would be set back seven feet from the east and north property lines. The residential entry would be from Thomas Street. No departures would be needed for this alternative.

The second alternative (Option 2) proposes a more modulated building, with recessed notches and a setback area that encroaches more into the setback areas shown in Option 1. The main residential entry would be from Harvard. This alternative includes departures from the parking stall ratio and sight triangle standards.

The third and preferred scheme (Option 3) shows an L-shaped massing configuration that opens to the northeast and is further articulated with vertical bays. The main residential entry would be from Thomas. Access would be from Harvard Avenue East. This alternative also includes departures from the parking stall ratio and sight triangle standards.

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's *Design Review: Guidelines for Multifamily and Commercial Buildings* of highest priority to this project.

The design presented at the final Recommendation meeting was further developed to include several changes including:

- Shifting the residential entry to the south façade at the southeast corner.
- An extensive landscaping design for the right-of-way and corner bulb, as well as a refined roof deck landscape plan to include solar panels.
- A more dramatic corner expression with a material and fenestration change.
- A stepped back the northeast corner to allow for open space at the second level.
- A more residential character at the west elevation with a modulated façade using three vertical window bay projections.
- The larger façade of the south elevation is articulated with angled window bay projections.

Site Planning

A-1 <u>Responding to Site Characteristics</u>. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

At the Early Design Guidance Meeting, the Board discussed the subject site location on a corner of an intersection where the street grid shifts, which creates an unusually wide right of way (approximately 20'-6") and excellent opportunity for enhancements to the public realm. The Board encouraged extending the Green Factor requirements into the right of way and working with SDOT to maximize the design potential. The Board also stressed the importance of connecting to the Broadway character of the neighborhood.

<u>At the Final Recommendation Meeting</u>, the Board expressed strong support for the extensive landscape plan and improvements for the right-of-way that will reinforce this dramatic intersection. The Board was also pleased that the applicant was working closely with SDOT to achieve such a strong design concept.

A-2 <u>Streetscape Compatibility</u>. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

Capitol Hill-specific supplemental guidance:

- **Retain or increase the width of sidewalks.**
- **Provide street trees with tree grates or in planter strips, using appropriate species to provide summer shade, winter light, and year-round visual interest.**
- **Vehicle entrances to buildings should not dominate the streetscape.**
- **Orient townhouse structures to provide pedestrian entrances to the sidewalk.**
- **For buildings that span a block and "front" on two streets, each street frontage should receive individual and detailed site planning and architectural design treatments to complement the established streetscape character.**
- **New development in commercial zones should be sensitive to neighboring residential zones. Examples include lots on Broadway that extend to streets with residential character, such as Nagle Place or 10th or Harvard Avenues East. While a design with a commercial character is appropriate along Broadway, compatibility with residential character should be emphasized along the other streets.**

At the Early Design Guidance Meeting, the Board agreed that the design challenge of this building is to respond to both the strong commercial character of Broadway and the strong residential character that is established to the west and south of the site. The jog in the street grid creates interesting and desirable spaces that offers much potential for the pedestrian experience and also for architectural views to the site at this prominent corner.

<u>At the Final Recommendation Meeting</u>, the Board expressed concern with the solid concrete base at the sidewalk level that is proposed to be screened with green wall and art. The Board

understood that the 'back of house' functions of the building are along Harvard because there is no alley, however the resultant lack of transparency and blank walls at the first floor was a source of concern for the Board. The Board recommended increasing the quality of the design of the garage door to include texture and visual interest. The design should relate to the building architecture and material palette and/or include artwork that is cohesive with the artwork and green wall design on Harvard Street.

The Board was uneasy about the configuration of uses, such as the garbage area, exit door and garage entrance on the west end of the building along Harvard that effectively necessitate a blank wall without transparency or engagement with the pedestrian. The Board suggested that the sidewalk alignment be shifted away from the building to allow a few feet for vegetation to support the proposed green walls. The Board recommended a condition that the proposed green wall and artwork be integrated and designed to complement each other.

The proposal of artwork affixed to the street level wall and green wall plantings will be sufficient to create visual interest, however the Board encouraged the applicant to explore a reconfiguration that would reduce the length of the solid wall.

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

Capitol Hill-specific supplemental guidance:

- **Provide for sidewalk retail opportunities and connections by allowing for the opening of the storefront to the street and displaying goods to the pedestrian.**
- **Provide for outdoor eating and drinking opportunities on the sidewalk by allowing for the opening the restaurant or café windows to the sidewalk and installing outdoor seating while maintaining pedestrian flow.**
- **Install clear glass windows along the sidewalk to provide visual access into the retail or dining activities that occur inside. Do not block views into the interior spaces with the backs of shelving units or with posters.**

At the Early Design Guidance Meeting, the Board noted that the design proposed a departure from the 13-foot commercial height standard and the Board agreed that they were not favorably inclined towards such a deviation. The Board felt that the proposed commercial spaces should maximize the potential to draw commercial activity from Broadway. A large storefront should be emphasized and the Board would like to see multiple entrances along Thomas Street.

At the Final Recommendation Meeting, the revised design provided the full commercial height, as well as commercial storefront system with multiple entrances along Thomas Street.

A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

At the Early Design Guidance Meeting, the Board warned against having the proposed design relate too closely to the approved building design directly across the street. The Board clarified that this is a different site with a different set of conditions that need to be addressed. Instead, the design should respond to the building to the north, the residential context and the prominent corner location.

The Board noted that the design should be cognizant of the 40-foot zone and the existing buildings in the area. In response to the building to the north, this may be expressed with a simple datum line or perhaps a change in the materials.

At the Final Recommendation Meeting, the Board was pleased that the proposed design is unique to this site and minimized blank walls facing the 40-foot zone.

A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.

Capitol Hill-specific supplemental guidance:

- **Preserve and enhance the pedestrian environment in residential and commercial areas by providing for continuous sidewalks that are unencumbered by parked vehicles and are minimally broken within a block by vehicular access.**

At the Early Design Guidance Meeting, the Board strongly agreed that the parking entrance should not be recessed into the building with the building cantilevering out over the driveway; rather the building should enclose the driveway and carry the building solidly to the ground. The Board noted that the treatment of the provision of parking should be treated as a building amenity, rather than as an essential, dominant program.

At the Final Recommendation Meeting, the Board expressed support for the location and design of the garage entrance. The Board did, however, recommend conditions related to the design of the garage door. See A-2.

A-10 Corner Lots. Building on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

Capitol Hill-specific supplemental guidance:

- **Incorporate residential entries and special landscaping into corner lots by setting the structure back from the property lines.**

- **Provide for a prominent retail corner entry.**

At the Early Design Guidance Meeting, the Board noted that this site is located at an intersection where Harvard Avenue jogs, creating a very visible corner location. The design should take advantage of and acknowledge this visibility. The Board recommended that the corner design be strong and serve as a continuation of the south and west facades, rather than strive to create a third element.

At the Final Recommendation Meeting, the Board was very pleased with both the architectural reinforcement of this corner location with a projecting corner bay that wraps the building corner and utilizes a warm and unique material (*Prodema*), as well as the lush and varied landscape plan

for the extended right-of-way configuration. The corner design responds well to both the residential character to the west and holds the visually prominent corner of this unique intersection.

B. Height, Bulk and Scale

B-1 Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.

Capitol Hill-specific supplemental guidance:

- **Break up building mass by incorporating different façade treatments to give the impression of multiple, small-scale buildings, in keeping with the established development pattern.**
- **Consider existing views to downtown Seattle, the Space Needle, Elliott Bay and the Olympic Mountains, and incorporate site and building design features that may help to preserve those views from public rights-of-way.**
- **Design new buildings to maximize the amount of sunshine on adjacent sidewalks throughout the year.**

At the Early Design Guidance Meeting, the Board discussed how the building form might respond to the lower scale building to the immediate north. They supported the massing concept of dropping the height of the northern portion of the building from 65 feet down to 40 feet and allow greater light and air to the north side of the building.

At the next meeting, the Board would like to see views of the building from multiple angles and from the pedestrian viewpoint.

At the Final Recommendation Meeting, the Board did not specifically discuss this guideline, but was supportive of the design as being sensitive and responsive to the neighborhood character. The Board was pleased with the multiple renderings and perspectives of the proposed development.

C. Architectural Elements and Materials

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

At the Early Design Guidance Meeting, the Board noted that although the character of Thomas Street and Harvard Street are fairly different, it is important that the façade design wraps around the corner evenly and provides a consistent appearance and relate to each other.

At the Final Recommendation Meeting, the Board was pleased with the architectural concept and agreed that the design wraps both street facing facades in an appropriate and consistent manner.

C-2 <u>Architectural Concept and Consistency</u>. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.

Capitol Hill-specific supplemental guidance:

- **Incorporate signage that is consistent with the existing or intended character of the building and the neighborhood.**
- **Solid canopies or fabric awnings over the sidewalk are preferred.**
- **Avoid using vinyl awnings that also serve as big, illuminated signs.**
- **Use materials and design that is compatible with the structures in the vicinity if those represent the desired neighborhood character.**

At the Early Design Guidance Meeting, the Board noted that the building design should strive for a strong urban character that expresses the visual and physical proximity to Broadway. The Board recommended a simple design concept that integrates a robust, commercial appearance that also responds to the scale of the neighborhood. Overhead weather protection is encouraged.

<u>At the Final Recommendation Meeting</u>, the Board agreed that the proposed design responded appropriately to the neighborhood character on either side of the proposed building. The longer south elevation and storefront window system takes on the scale of the commercial nature closer to Broadway, while the shorter west elevation is more residential in feel with the more traditional vertical window bay projections.

C-4 <u>Exterior Finish Materials</u>. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

Capitol Hill-specific supplemental guidance:

- **Use wood shingles or board and batten siding on residential structures.**
- **Avoid wood or metal siding materials on commercial structures.**
- **Provide operable windows, especially on storefronts.**
- **Use materials that are consistent with the existing or intended neighborhood character, including brick, cast stone, architectural stone, terracotta details, and concrete that incorporates texture and color.**
- **Consider each building as a high-quality, long-term addition to the neighborhood; exterior design and materials should exhibit permanence and quality appropriate to the Capitol Hill neighborhood.**
- **The use of applied foam ornamentation and EIFS (Exterior Insulation & Finish System) is discouraged, especially on ground level locations.**

At the Early Design Guidance Meeting, the Board stressed that the design select a material palette that is durable and long-lasting. The Board looks forward to reviewing a more detailed materials and color board that is reflective of and responsive to the neighborhood.

At the Final Recommendation Meeting, the material palette included *Prodema* (resin composite) panels with a wood finish for the corner bay, metal siding in three color tones of champagne, brown and white and a concrete base (shear wall) along the sidewalk. Wood is proposed for the railings. The blank wall along the east facade would be a metal panel with the prestige profile. See also A-2. The Board recommended simplifying the wood materials from two types to one to create a more unified material palette. The Board was very pleased with the dark colored window system and stressed that this color and material remain unchanged.

C-5 Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

At the Early Design Guidance Meeting, the Board stressed that the vehicular access to the site should be visually minimized and cause as little disruption to pedestrian circulation around the site as possible. In particular, the design of the garage door and driveway paving should be interesting, attractive and safe. The driveway design should be subservient to pedestrian comfort and circulation. The Board would be supportive of a departure request to reduce the driveway width.

At the Final Recommendation Meeting, the Board discussed at length the appearance of the garage door and Harvard elevation at ground level. See A-2.

D. Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

Capitol Hill-specific supplemental guidance:

- **Provide entryways that link the building to the surrounding landscape.**
- **Create open spaces at street level that link to the open space of the sidewalk.**
- **Building entrances should emphasize pedestrian ingress and egress as opposed to accommodating vehicles.**
- **Minimize the number of residential entrances on commercial streets where non-residential uses are required. Where residential entries and lobbies on commercial streets are unavoidable, minimize their impact to the retail vitality commercial streetscape.**

The Board would like to see overhead weather protection and exterior lighting designs at the next meeting.

At the Final Recommendation Meeting, the Board recommended a condition that the overhead weather protection must be included as shown on the south elevation.

D-2 Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.

At the Early Design Guidance Meeting, the Board noted that the north façade should avoid being a blank wall and should be treated to provide visual interest.

At the Final Recommendation Meeting, the Board recommended that the metal panels used at the east façade (where there is a party wall condition) be articulated with a reveal pattern to follow the scale of the fenestration.

D-6 Screening of Dumpsters, Utilities, and Service Areas. Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

Capitol Hill-specific supplemental guidance:

- **Consolidate and screen dumpsters to preserve and enhance the pedestrian environment.**

Broadway-specific supplemental guidance:

- **For new development along Broadway that extends to streets with residential character—such as Nagle Place or 10th or Harvard Avenues East—any vehicle access, loading or service activities should be screened and designed with features appropriate for a residential context.**

At the Early Design Guidance Meeting, the Board stressed that all of the service elements associated with the proposed development should be located within the proposed structure to provide increased security and discourage loitering. The Board recommended that the service area be located fully within the garage and not be visible from the sidewalk.

At the Final Recommendation Meeting, the Board was pleased that the service elements were screened but were concerned however with the length of the blank wall. See A-2 for further discussion.

D-11 Commercial Transparency. Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.
See A-4.

E. Landscaping

E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

Capitol Hill-specific supplemental guidance:

- **Maintain or enhance the character and aesthetic qualities of neighborhood development to provide for consistent streetscape character along a corridor.**
- **Supplement and complement existing mature street trees where feasible.**
- **Incorporate street trees in both commercial and residential environments in addition to trees onsite.**
- **Commercial landscape treatments that include street trees.**

  At the Early Design Guidance Meeting, the Board noted that if vertical landscaping is proposed along the north façade, details of the plantings and support systems should be presented at the next meeting.

  At the Final Recommendation Meeting, the Board expressed support for the proposed right-of-way plan that included extensive landscaping plan in the standard planting strip and against the building along East Thomas Street and in the unusually wide right-of-way curb bulk on Harvard Street. Per the discussion in A-2, the Board recommended shifting the sidewalk alignment further to the west to allow a few feet of space for vegetation related to the proposed green wall to grow and for irrigation to be provided. The green wall system must include irrigation and be a proven vegetation system in our region. The Board also recommended that the artwork provided with the green wall should be integrated to create a unified artwork and greenscape that work together to provide visual interest along Harvard Street.

  The Board did note that additional hardscape features could be included in the Harvard Street right-of-way planting strip to create seating or other features.

DEVELOPMENT STANDARD DEPARTURES

Two departures from the development standards were proposed at this phase.

1. ***Transparency (SMC 23.47A.008.): The Code requires that 60% of the street facing façade between 2' and 8' be transparent. The applicant proposes that 49% of the required area would be transparent.***

   The Board voted unanimously in support of the proposed departure provided that the recommended conditions regarding the garage door design, irrigation and support for proposed green walls and integrated artwork are provided. The Board agreed that, along with the recommended conditions, the provision of extensive improvements and landscaping in the right-of-way, including the curb bulb, landscaping, and sidewalk re-alignment would activate and provide visual interest at this location where the blank wall is proposed. (A-2, A-8, C-5)

2. ***Sight Triangle (SMC 23.54.030): The Code requires that a 15' sight triangle be provided at the garage exit. The applicant proposes to eliminate the sight triangle.***

   The Board voted unanimously in support of the elimination of the sight triangle requirement provided that other measures, such as mirrors and traffic indicators are used to promote pedestrian safety. The proposal includes a visual aid, such as a mirror and traffic indicator will be utilized to increase safety. (A-8, C-5)

The Board recommended the following conditions to the Director (to be reviewed and approved by the Land Use Planner):

1. The design of the garage door should be enhanced to include texture and visual interest. The design should relate to the building architecture and material palette and may include artwork that is cohesive with the artwork and green wall design on Harvard Street. (A-2

2. The artwork provided with the green wall should be integrated to create a unified artwork and greenscape that work together to provide visual interest along Harvard Street. (A-2)

3. With SDOT's approval, shift the sidewalk alignment further to the west to allow a few feet of space for vegetation related to the proposed green wall and for irrigation to be provided. (A-2)

4. The green wall system must include irrigation and be a proven vegetation system in this region. (A-2, E-3)

5. The metal panels used at the east façade (where there is a party wall condition) shall be broken up and articulated with a reveal pattern that follows the scale of the fenestration. (D-2)

6. The overhead weather protection must be included as shown on the south elevation. (C-4)

7. Simplify the wood materials from two types to one to create a more unified material palette. (C-4)

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

a. Reflects inconsistent application of the design review guidelines; or

b. Exceeds the authority of the Design Review Board; or

c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or

d. Conflicts with the requirements of state or federal law.

Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

Four members of the Capitol/First Hill/Central Area Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations

(SMC 23.41.014.F3). The Director agrees with and accepts the conditions recommended by the Board that further augment the selected Guidelines.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board. The Director of DPD has reviewed the recommendations of the Design Review Board made by the four members present at the recommendation meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the recommendations of the Design Review Board made by the four members present at the recommendation meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified. Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions summarized at the end of this Decision.

ANALYSIS - SEPA

The proposal is for 2,000 square feet of commercial space, 70 residential units and 65 parking stalls, thus the application is not exempt from SEPA review. Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05) because the proposed project is located in a commercial zone and an urban center and exceeds the unit threshold.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated November 11, 2010 and annotated by the Land Use Planner. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist and submitted by the project applicant and reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient*

mitigation" subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated.

Short-Term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulates from demolition and building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities. Most short-term impacts are expected to be minor. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, impacts associated with air quality, noise, and construction traffic warrant further discussion.

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction materials hauling, equipment and personnel; increased noise; and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts:

- The applicant estimates approximately 8,463 cubic yards of excavated material. Excess material to be disposed of must be deposited in an approved site.
- The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction.
- The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way.
- Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general.
- The Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, given the amount of building activity to be undertaken in association with the proposed project, additional analysis of drainage, grading, noise, greenhouse gases, and traffic impacts is warranted.

Drainage

Soil disturbing activities during site excavation for foundation purposes could result in erosion and transport of sediment. The Stormwater, Grading and Drainage Control Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

Earth - Grading

The construction plans will be reviewed by DPD. Any additional information showing conformance with applicable ordinances and codes will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves excavation of approximately 8,463 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Traffic, Circulation and Parking

Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during excavation and construction activities. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allows the reviewing agency to mitigate impacts associated with transportation during construction. The construction activities will require the removal of material from site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations.

During construction, existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. This immediate area is subject to traffic congestion during the PM peak hour, and large construction trucks would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675(B) (Construction Impacts Policy) and SMC 25.05.675(R) (Traffic and Transportation), additional mitigation is warranted.

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site.

For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays. This condition will assure that construction truck trips do not interfere with daily PM peak traffic in the vicinity. As

conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of existing City Code (SMC 11.62).

On-street parking in the neighborhood is limited, and the demand for parking by construction workers during construction could exacerbate the demand for on-street parking and result in an adverse impact on surrounding properties. The owner and/or responsible party shall assure that construction vehicles and equipment are parked on the subject site or on a dedicated site within 800 feet for the term of the construction whenever possible.

To facilitate these efforts, a Construction Management Plan will be required as a condition of approval identifying construction worker parking and construction materials staging areas; truck access routes to and from the site for excavation and construction phases; and sidewalk and street closures with neighborhood notice and posting procedures.

The Street Use Ordinance requires sweeping or watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. This ordinance provides adequate mitigation for these construction transportation impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Noise

All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized upon approval of a by DPD with a plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Long-Term Impacts

Historic and Cultural Preservation

The proposed action includes demolition of one structure. An Appendix A survey was completed and submitted to the Department of Neighborhoods Landmarks Coordinator. After review by the Landmarks Preservation Board staff, it was determined that the building is not likely to meet the standards for designation as an individual landmark (see letter in file dated August 19, 2011).

Transportation

A transportation analysis for the 802 Thomas Street project was prepared by Heffron Transportation, Inc. dated June 9, 2011. This analysis estimated the amount of additional vehicle traffic the project is likely to generate. The analysis utilized trip rates from the Institute of Transportation Engineers' *Trip Generation* manual (8th edition), as well as Census data. High level of local transit service, proximity to downtown and a moderately dense mixed-use environment suggest that many trips in the area likely are made using non-auto modes. This is supported by data from the 2000 Census, which indicate that only 28% of local residents commute to work by car, with the rest using transit, walking, bicycling, or other modes, or working at home.

Overall, the project is forecast to generate 100 daily auto trips, with about 8 of these trips occurring during the AM peak hour and 9 during the PM peak hour. When considering the impact of the proposed development compared to the trips generated by the existing development, the net increase is estimated at 5 new AM peak hour trips and 6 PM peak hour trips. Project traffic is expected to distribute among these and other streets, with little additional traffic on any one roadway. Traffic impacts from the project are likely to be minimal, and do not warrant mitigation pursuant to SMC 25.05.675 R.

Parking

The 2000 Census data presented in the transportation analysis indicate that the average household in the census tract of the project site had approximately 0.6 vehicles per rental unit. Using this rate, the proposed 70 residential units are expected to generate a peak demand of 42 vehicles. (Peak demand for residences typically occurs overnight, when other project parking demand, such as service vehicles, visitors, or demand generated by the retail development on the site, are apt to be very low.) The project will provide 65 parking spaces; therefore, the parking demand may be accommodated on site and no spillover parking impact is anticipated. No mitigation for parking impacts is warranted pursuant to SMC 25.05.675 M.

Greenhouse Gas

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

DECISION – STATE ENVIRONMENTAL POLICY ACT (SEPA)

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination. The intent of this declaration is to satisfy the requirements of

the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[**X**] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).

CONDITIONS – SEPA

Prior to Issuance of any Construction, Shoring or Grading Permits

1. The applicant shall provide to the DPD Land Use Planner for approval a Construction Management Plan which identifies construction worker parking and construction materials staging areas; truck access routes to and from the site for excavation and construction phases; and sidewalk and street closures with neighborhood notice and posting procedures.

During Construction

2. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

3. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.

CONDITIONS-DESIGN REVIEW

Prior to Building Permit Issuance

4. The design of the garage door should be enhanced to include texture and visual interest. The design should relate to the building architecture and material palette and should include artwork that is cohesive with the artwork and green wall design on Harvard Street. (A-2)

5. The artwork provided with the green wall shall be integrated to create a unified artwork and greenscape that work together to provide visual interest along Harvard Street. (A-2)

6. With SDOT's approval, shift the sidewalk alignment further to the west to allow a few feet of space for vegetation related to the proposed green wall and for irrigation to be provided. (A-2)

7. The green wall system shall include irrigation and be a proven vegetation system in this region. (A-2, E-3)

8. The metal panels used at the east façade (where there is a party wall condition) shall be broken up and articulated with a reveal pattern that follows the scale of the fenestration. (D-2)

9. The overhead weather protection shall be included as shown on the south elevation. (C-4)

10. Simplify the wood materials from two types to one wood material to create a more unified material palette. (C-4)

Prior to Issuance of any Certificate of Occupancy

11. The applicants shall arrange for an inspection with the Land Use Planner to verify that the construction of the buildings with siting, materials, and architectural details is substantially the same as those documented in the approved plans dated March 14, 2011.

Signature: (Signature on File) Date: September 29, 2011
Lisa Rutzick, Senior Land Use Planner
Department of Planning and Development

LCR/JJ
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